claims 16-23, drawn to a method of manufacturing a film acoustic wave device, classified in Class 29, Subclass 25.35. In the outstanding Office Action, the Examiner has maintained the restriction requirement. In particular, the Examiner asserts that Applicants have not identified a special technical feature common to all of the Groups identified by the Examiner.

Applicants respectfully submit that under PCT Rule 13, the appropriate standard for determining whether groups of inventions lack unity, and thus should be restricted into separate applications, is whether "there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features." *See* PCT Rule §13.2. Accordingly, Applicants respectfully submit that the "technical relationship" among the groups identified by the Examiner includes a **film acoustic wave device** (Group I) and a manufacturing method of the **film acoustic wave device** (Group II). Accordingly, since under PCT unity of invention rules the groups of inventions identified by the Examiner form a single general inventive concept and thus do not lack unity of invention, the restriction requirement is improper and therefore must be withdrawn.

PREFERRED EMBODIMENT OF THE PRESENT INVENTION

A preferred embodiment of the present invention includes film acoustic wave devices mounted on a wafer where the patterns of the respective film acoustic wave devices are modified during the production process depending upon the specific location of where the respective film acoustic wave devices are mounted on the wafer. Since wafers may vary in thickness during a production process as a result of sputtering the piezoelectric thin film onto the wafer, the film acoustic wave devices positioned at various locations of the wafer will therefore have varying wafer thicknesses which result in each of the film acoustic wave devices producing different frequency ranges. In order to avoid the foregoing problem, a preferred embodiment of the present invention modifies the pattern shapes of each of the respective film acoustic wave devices depending upon the location of where the film acoustic wave devices are mounted on the wafer in order to compensate for the varying thicknesses and to stabilize the film acoustic wave devices' frequencies. In addition, a preferred embodiment of the present invention has addressed and solved the problem of adjusting pattern shapes inside film acoustic wave devices during the manufacturing process while not increasing manufacturing costs.

35 U.S.C. §112, SECOND PARAGRAPH REJECTION

Claims 1-14 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the present invention.

Applicants respectfully submit that they have amended claims 1-14 so as to more clearly define the present invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

In response to the Examiner's request for a definition of the term "air bridge" recited in claim 7, Applicants respectfully direct the Examiner's attention to page 26, lines 5-6 of the Specification and the red ink circled portion on Figure 3, included herein and labeled APPENDIX A. Specifically, the air bridge connects electrode 18b and bonding pad 20b. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

35 U.S.C. §102 VALE ET AL./MANG ET AL./ KRISHNASWAMY ET AL./CARSON ET AL. REJECTION

Claims 1-15 stand rejected under 35 U.S.C. §102(a) as being clearly anticipated by U.S. Patent No. 5,194,836 to Vale et al., U.S. Patent No. 5,160,870 to Carson et al., U.S. Patent No. 5,185,589 to Krishnaswamy et al.,

and U.S. Patent No. 5,692,279[1] to Mang et al.[2] These rejections, insofar as they pertain to the presently pending claims, are respectfully traversed for the following reasons.

Pursuant to MPEP §2131, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Brothers Inc. v. Union Oil Co. of Ca., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ...claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicants respectfully submit that they cannot respond substantively to any of the applied art rejections made by the Examiner, because the Examiner has not identified any specific sections of the applied art (nor have Applicants uncovered any specific sections) where the present invention is disclosed. In the event that the Examiner chooses to maintain the rejection of claims 1-15

[1] Applicants respectfully note that the Examiner identifies U.S. Patent No. 5,692,279 to Mang et al. as being a reference under 35 U.S.C. §102(a). However, Applicants respectfully submit that the present application entered the National Stage under 35 U.S.C. §371. Accordingly, the International filing date of April 24, 1997 should be considered the U.S. filing date. Therefore, since U.S. Patent No. 5,692,279 to Mang et al. was published subsequent to the filing of the present application, Mang et al. is eligible at best to be considered prior art under 35 U.S.C. §102(e).

[2] While the Office Action at page 2 identifies "Many," Applicants assume the Examiner intended U.S. Patent No. 5,692,279 to Mang et al.

under the four (4) currently applied references, Applicants respectfully request the Examiner to comply with MPEP §2131 and identify where each of the elements of claims 1-24 can be found in the applied references. Alternatively, Applicants respectfully request that the Examiner pass claims 1-24 to issue.

CONCLUSION

In view of the above amendments and remarks, reconsideration of the various rejections and allowance of claims 1-24 is respectfully requested.

The amendments presented in this response are for the purpose of placing the application in better form for U.S. practice.

Pursuant to the provisions of 37 C.F.R. 1.17 and 1.136(a), Applicants hereby petition for an extension of one (1) month from June 27, 2000 to July 27, 2000 in which to file a response to the outstanding Office Action. The required fee of **$110.00** is attached hereto.

In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area, to discuss this application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. 1.16 or under 37 C.F.R. 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH STEWART KOLASCH & BIRCH, LLP

By: _____
John A. Castellano
Registration No. 35,094

JAC:JC:mdp

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

APPENDIX A

Fig.3